



House of Representatives

General Assembly

File No. 397

February Session, 2006

Substitute House Bill No. 5660

House of Representatives, April 5, 2006

The Committee on Public Health reported through REP. SAYERS of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING WHEELCHAIR TRANSFER SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-180 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2006*):

3 (a) No person shall operate any ambulance service, rescue service or
4 management service without either a license or a certificate issued by
5 the commissioner. No person shall operate a commercial ambulance
6 service or commercial rescue service or a management service without
7 a license issued by the commissioner. A certificate shall be issued to
8 any volunteer or municipal ambulance service which shows proof
9 satisfactory to the commissioner that it meets the minimum standards
10 of the commissioner in the areas of training, equipment and personnel.
11 Such minimum standards shall include, but not be limited to, use of
12 devices designed to secure individuals in wheelchairs while
13 transferring such individuals from the ground to the vehicle and from
14 the vehicle to the ground. Applicants for a license shall use the forms
15 prescribed by the commissioner and shall submit such application to

16 the commissioner accompanied by an annual fee of one hundred
17 dollars. In considering requests for approval of permits for new or
18 expanded emergency medical services in any region, the commissioner
19 shall consult with the Office of Emergency Medical Services and the
20 emergency medical services council of such region and shall hold a
21 public hearing to determine the necessity for such services. Written
22 notice of such hearing shall be given to current providers in the
23 geographic region where such new or expanded services would be
24 implemented, provided, any volunteer ambulance service which elects
25 not to levy charges for services rendered under this chapter shall be
26 exempt from the provisions concerning requests for approval of
27 permits for new or expanded emergency medical services set forth in
28 this subsection. Each applicant for licensure shall furnish proof of
29 financial responsibility which the commissioner deems sufficient to
30 satisfy any claim. The commissioner may adopt regulations, in
31 accordance with the provisions of chapter 54, to establish satisfactory
32 kinds of coverage and limits of insurance for each applicant for either
33 licensure or certification. Until such regulations are adopted, the
34 following shall be the required limits for licensure: (1) For damages by
35 reason of personal injury to, or the death of, one person on account of
36 any accident, at least five hundred thousand dollars, and more than
37 one person on account of any accident, at least one million dollars, (2)
38 for damage to property at least fifty thousand dollars, and (3) for
39 malpractice in the care of one passenger at least two hundred fifty
40 thousand dollars, and for more than one passenger at least five
41 hundred thousand dollars. In lieu of the limits set forth in subdivisions
42 (1) to (3), inclusive, of this subsection, a single limit of liability shall be
43 allowed as follows: (A) For damages by reason of personal injury to, or
44 death of, one or more persons and damage to property, at least one
45 million dollars; and (B) for malpractice in the care of one or more
46 passengers, at least five hundred thousand dollars. A certificate of such
47 proof shall be filed with the commissioner. Upon determination by the
48 commissioner that an applicant is financially responsible, properly
49 certified and otherwise qualified to operate a commercial ambulance
50 service, the commissioner shall issue a license effective for one year to

51 such applicant. If the commissioner determines that an applicant for
52 either a certificate or license is not so qualified, the commissioner shall
53 notify such applicant of the denial of the application with a statement
54 of the reasons for such denial. Such applicant shall have thirty days to
55 request a hearing on the denial of the application.

56 (b) Any person or emergency medical service organization which
57 does not maintain standards or violates regulations adopted under any
58 section of this chapter applicable to such person or organization may
59 have such person's or organization's license or certification suspended
60 or revoked or may be subject to any other disciplinary action specified
61 in section 19a-17 after notice by certified mail to such person or
62 organization of the facts or conduct which warrant the intended action.
63 Such person or emergency medical service organization shall have an
64 opportunity to show compliance with all requirements for the
65 retention of such certificate or license. In the conduct of any
66 investigation by the commissioner of alleged violations of the
67 standards or regulations adopted under the provisions of this chapter,
68 the commissioner may issue subpoenas requiring the attendance of
69 witnesses and the production by any medical service organization or
70 person of reports, records, tapes or other documents which concern the
71 allegations under investigation. All records obtained by the
72 commissioner in connection with any such investigation shall not be
73 subject to the provisions of section 1-210, as amended, for a period of
74 six months from the date of the petition or other event initiating such
75 investigation, or until such time as the investigation is terminated
76 pursuant to a withdrawal or other informal disposition or until a
77 hearing is convened pursuant to chapter 54, whichever is earlier. A
78 complaint, as defined in subdivision (6) of section 19a-13, shall be
79 subject to the provisions of section 1-210, as amended, from the time
80 that it is served or mailed to the respondent. Records which are
81 otherwise public records shall not be deemed confidential merely
82 because they have been obtained in connection with an investigation
83 under this chapter.

84 (c) Any person or emergency medical service organization

85 aggrieved by an act or decision of the commissioner regarding
86 certification or licensure may appeal in the manner provided by
87 chapter 54.

88 (d) Any person guilty of any of the following acts shall be fined not
89 more than two hundred fifty dollars, or imprisoned not more than
90 three months, or be both fined and imprisoned: (1) In any application
91 to the commissioner or in any proceeding before or investigation made
92 by the commissioner, knowingly making any false statement or
93 representation, or, with knowledge of its falsity, filing or causing to be
94 filed any false statement or representation in a required application or
95 statement; (2) issuing, circulating or publishing or causing to be issued,
96 circulated or published any form of advertisement or circular for the
97 purpose of soliciting business which contains any statement that is
98 false or misleading, or otherwise likely to deceive a reader thereof,
99 with knowledge that it contains such false, misleading or deceptive
100 statement; (3) giving or offering to give anything of value to any
101 person for the purpose of promoting or securing ambulance or rescue
102 service business or obtaining favors relating thereto; (4) administering
103 or causing to be administered, while serving in the capacity of an
104 employee of any licensed ambulance or rescue service, any alcoholic
105 liquor to any patient in such employee's care, except under the
106 supervision and direction of a licensed physician; (5) in any respect
107 wilfully violating or failing to comply with any provision of this
108 chapter or wilfully violating, failing, omitting or neglecting to obey or
109 comply with any regulation, order, decision or license, or any part or
110 provisions thereof; (6) with one or more other persons, conspiring to
111 violate any license or order issued by the commissioner or any
112 provision of this chapter.

113 (e) No person shall place any advertisement or produce any printed
114 matter that holds that person out to be an ambulance service unless
115 such person is licensed or certified pursuant to this section. Any such
116 advertisement or printed matter shall include the license or certificate
117 number issued by the commissioner.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2006</i>	19a-180
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TRA *Joint Favorable C/R* PH

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Public Health, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
Various Municipalities	Cost	Minimal	None

Explanation

No state fiscal impact is anticipated in response to passage of this bill.

A minimal cost (approximately \$50 per seat restraint) will be incurred by any municipally-affiliated ambulance service that does not currently own devices that secure individuals in wheelchairs.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Public Health, Dept.	GF - None	None	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$	FY 11 \$
Various Municipalities	Cost	None	None	None

OLR Bill Analysis**sHB 5660*****AN ACT CONCERNING WHEELCHAIR TRANSFER SAFETY.*****SUMMARY:**

By law, a volunteer or municipal ambulance service must prove that it meets minimum standards for training, equipment, and personnel in order to get an operating certificate from the Department of Public Health. This bill requires these minimum standards to include the use of devices designed to secure riders in wheelchairs while they are being transferred into and out of the vehicle.

EFFECTIVE DATE: July 1, 2006

COMMITTEE ACTION

Transportation Committee

Joint Favorable Change of Reference

Yea 30 Nay 0 (03/13/2006)

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/20/2006)